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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,850	10/15/2003	Henri-Charles Deborde	790_019	8438
25191 7590 BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			EXAMINER VANAMAN, FRANK BENNETT	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/685,850

Applicant(s)

DEBORDE ET AL.

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Feb 23 2007 has been entered.

### **Status of Claims**

2. Claims 1 and 4-6 remain pending, claim 1 having been amended.

### **Claim Rejections - 35 USC § 103**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fagot et al. (FR 2,720,288, cited previously) in view of Wolf (US 6,290,249, cited previously). Fagot et al. teach a gliding board (figs. 22-31) having a gliding surface (6) terminating in at least one upwardly raised front end (4), comprising a longitudinally symmetrical arrangement, the end having a peripheral zone (14) and relatively thicker central (7) zone, the peripheral zone extending from the ski sides to an inflection point (e.g., intersection of 13, 14), the upper face of the peripheral zone being substantially parallel to the gliding surface (see figures 26, 27), the width of the peripheral zone continuously increasing from a starting point (proximate figure legend, figure 22) to the highest point of the end, the discontinuity having a vertex at its highest point (front of 4) positioned at substantially a center longitudinal position of the board. Fagot et al. anticipate the use of different shapes at the tip end of the board, including at least a blunt transition (e.g., figure 1). The reference to Fagot et al., however, fails to explicitly teach the discontinuity as having a smooth arc shape. Wolf teaches that it is well known to provide a gliding board with a peripheral zone (outward of 48, figure 7, or outward of 56 or 156 in figures 9, 10) defined with respect to a central zone (e.g., 14, 114) by a discontinuity, wherein the discontinuity has the shape of a smooth arc from one lateral side to another. It would have been obvious to one of ordinary skill in the art at the time

Art Unit: 3618

of the invention to provide the discontinuity separating the central and peripheral zones of the board taught by Fagot as a smooth arc, as taught by Wolf, in place of a two-piece arc (e.g., Fagot at figures 22-31) for the purpose of adjusting the response of the board at the tip end.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fagot et al. in view of Wolf and Emig (US 5,788,259, cited previously). The reference to Fagot et al. as modified by Wolf is discussed above and fails to teach the provision of edges having an interruption at an intermediate point within the end, and the width of the peripheral zone being more than 5mm at that point. Emig teaches a ski having a peripheral zone and a central zone, further including edges (6, 7) which are interrupted at a position in the front region of the ski proximate a portion of the combined peripheral and central zones (see figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the ski taught by Fagot et al. as modified by Wolf with edges as taught by Emig for the purpose of enhancing the turning and guiding capabilities of the ski. As regards the peripheral zone width at the interruptions, when general conditions are disclosed in the prior art, it is not deemed to be beyond the skill of the ordinary practitioner to adjust the degree of the condition to optimize an operative function or adjust a characteristic. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the width of the peripheral zone at the region of the end (i.e., interruption) of the guide edges at an amount greater than 5 mm in order to increase the flexibility of the board edges (compared to the flexibility of the board at the central zone).

#### **Response to Comments**

6. Applicant's comments, filed with the amendment and request for continued examination, have been carefully considered. Applicant has argued that Fagot et al. fail to anticipate the invention as now recited in the claims. The examiner agrees. Note however, the sole distinction added by applicant essentially defines a transition having a smooth arc-shaped profile rather than a two-piece arc profile. The reference to Wolf teaches that it is well known to provide a peripheral zone defined with respect to the central zone by a discontinuity having a smooth arc shape. The examiner further notes

Art Unit: 3618

that Fagot et al. already anticipate that more than a single shape of transition between peripheral and central zones may be used with the gliding board taught, and the examiner further notes that references such as Diard et al. (FR 2,598,929, cited previously in the prosecution) teach that the provision of a transition formed as a smooth arc rather than a multi-segment arc has been well known for some time.

### Conclusion

7. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



4/25/07